

BEFORE THE HUMAN RIGHTS COMMISSION  
OF THE STATE OF MONTANA

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MICHAEL MARQUART,  
Charging Party

HRB CASE NO. 0151017686

-v-

FINAL AGENCY DECISION

ADAM AND ROSSIE HERSHBERGER,  
Respondents

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Charging Party, Michael Marquart (Marquart), filed a complaint with the Department of Labor and Industry (Department) alleging discrimination in housing on the basis of marital status, perceived disability, creed and retaliation. Following an informal investigation, the Department determined that a preponderance of the evidence did not support Marquart's allegations that Respondents, Adam and Rossie Hershberger, discriminated against Marquart. The Department issued a Notice of Dismissal. Marquart filed an objection with the Montana Human Rights Commission (Commission). The Commission considered the matter on January 22, 2016. Michael Marquart appeared and argued on behalf of himself. Respondents, Adam and Rossie Hershberger did not appear to present oral argument.

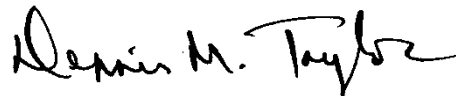
The Commission reviews a decision of the Department to dismiss a complaint using an abuse of discretion standard. *Section 49-2-511(2), MCA*. After careful consideration, the Commission concludes the determination of the Department to dismiss the complaint in this case is not an abuse of discretion.

If a charging party chooses to commence a civil action in district court, the charging party has 90 days after the date this order is issued to file a complaint in district court, in the district where the alleged violation occurred, and seek appropriate relief. *Section 49-2-511(3)(a), MCA*. If a charging party fails to commence a civil action within 90 days, the claims are time barred. *Id.*

Alternatively, a party may ask a district court to review the decision of the Commission to affirm the dismissal of a complaint. *Sections 2-4-702 and 49-2-511(3)(b), MCA.* This review must be requested within 30 days of the date of this order. A party must promptly serve copies of a petition for judicial review upon the Human Rights Commission and all parties of record. *Section 2-4-702(2), MCA.*

IT IS HEREBY ORDERED, that Michael Marquart's objection is **overruled**. The Commission affirms the determination of the Human Rights Bureau to dismiss the complaint against Adam and Rossie Hershberger.

DATED this 26th day of January, 2016.

A handwritten signature in black ink, reading "Dennis M. Taylor". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

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Dennis M. Taylor, Chair  
Human Rights Commission

# CERTIFICATE OF SERVICE

The undersigned secretary for the Human Rights Commission certifies that a true and correct copy of the foregoing ORDER was mailed to the following by U.S. Mail, postage prepaid, on this 26th day of January, 2016.

MICHAEL MARQUART  
P.O. BOX 855  
DENTON, MT 59430

ADAM & ROSSIE HERSHBERGER  
P.O. BOX 896  
DENTON, MT 59430

  
Annah Howard, Legal Secretary  
Montana Human Rights Bureau